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TAGS: [ES](#) [KJUS](#) [PGOV](#) [PTER](#) [KTFN](#)  
SUBJECT: EL SALVADOR: NEW ANTI-TERRORISM LAW A MESSAGE TO  
THE FMLN

REF: A. SAN SALVADOR 712

[1](#)B. SAN SALVADOR 1736

Classified By: DCM Michael A. Butler, Reasons 1.4 (b) and (d)

[1](#)1. (C) SUMMARY: Late on September 21, the Salvadoran Legislative Assembly passed new counterterrorism legislation; the ruling ARENA party and their center-right PCN allies were joined by the Christian Democrats (PDC) for a total of 50 votes in favor of the new law, despite vociferous opposition by the Farabundo Marti National Liberation Front (FMLN). Although the law contains significant language from internationally accepted standards, it was clearly written with the intent of curbing the ability of the FMLN and its mass organizations to carry out civil disturbances, as in the July 5 bloody encounter with the Salvadoran police (reftel B). END SUMMARY.

[1](#)2. (C) Counterterrorism legislation has long been a subject of interest and debate in the Assembly, but the July 5 riots that ended in the assassination of two police officers (reftel B) offered renewed impetus for swift passage of the new law. It remains unclear whether the FMLN actually ordered the killings (which appeared to have been carefully planned), but the alleged killers and their accomplices had close ties to the party. The FMLN has increasingly turned to orchestrating violent public protests as its ability to influence legislation has waned, and apparently expected the July 5 riots to become violent. President Sacá viewed the killings as a breach of the terms of the 1992 Peace Accords. Immediately following the police murders, PDC leader Rodolfo Parker informed the Embassy that the Legislative Assembly would respond with new counterterrorism legislation. The FMLN strongly opposed the law, which one FMLN deputy characterized as "state-sponsored terror". ARENA's Legislative Assembly delegation chief Guillermo Gallegos testily countered by opining, "It's to be expected that ex-terrorists, some of whom still have a terrorist mentality, are against counterterrorism legislation; it goes against the logic of the FMLN to support this kind of measure."

[1](#)3. (C) Rather than distinguishing terrorism from regular crime by defining it as politically-motivated violence, the new legislation lists some 27 types of acts as terrorism, punishable with a maximum sentence of up to 86-1/2 years in prison, in the case of aggravating circumstances. The law provides sentences of 40-60 years for the murder or grave injury of public officials, diplomats, or other international figures, and punishes kidnapping and terrorist attacks against aircraft or maritime vessels with sentences of 55-65 years. Significantly, the law also provides sentences of 25-30 years for the armed occupation of public buildings, a tactic long favored by radical leftist groups in El Salvador. The law also outlines punishment for the use of weapons of mass destruction, crimes against port and maritime security,

and participation in terrorist finance (though lacking USG-favored language on cash couriers and wire transfers). Under the new law, penalties are stiffer than what the penal code would otherwise impose; the law also specifies trial before a judge rather than a jury.

¶4. (U) Other acts that are punishable under the purview of the new law include:

- Tampering with chemicals and medicines
- Inciting acts of terror
- Publicly defending or supporting acts of terrorism
- Membership in terrorist organizations
- Espionage associated with terrorism
- Acts of cyberterrorism

The law also includes an obligation for citizens to report suspicious activity and provides for the admission of evidence obtained through wire-tapping.

¶5. (C) COMMENT: Although the FMLN sees the government using counterterrorism legislation to suppress protest, it is more likely that the administration is simply sending a message to the FMLN that violence such as that instigated on election day and July 5 will no longer be tolerated. As with most legislation in this country, this is another example of the two polar extremes working against each other rather than for the common public good.  
Barclay